

**FREEDOM COURT REPORTING**

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|--|--|
| <p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE MIDDLE DISTRICT OF ALABAMA</p> <p>3 SOUTHERN DIVISION</p> <p>4 CIVIL ACTION NO. 1:05-CV-877-CSC</p> <p>5</p> <p>6 LISA MINTON,</p> <p>7 Plaintiff,</p> <p>8 vs.</p> <p>9 CULLIGAN WATER, INC.,</p> <p>10 Defendants.</p> <p>11</p> <p>12 DEPOSITION OF LISA MINTON</p> <p>13 In accordance with Rule 5(d) of</p> <p>14 The Alabama Rules of Civil Procedure, as</p> <p>15 Amended, effective May 15, 1988, I, DONNA</p> <p>16 ARMSTRONG, am hereby delivering to KEITH</p> <p>17 HAMILTON the original transcript of the</p> <p>18 oral testimony taken on the 24th day of</p> <p>19 March, 2006, along with exhibits.</p> <p>20 Please be advised that this is the</p> <p>21 same and not retained by the Court</p> <p>22 Reporter, nor filed with the Court.</p> <p>23</p>   | <p>1 IT IS FURTHER STIPULATED AND</p> <p>2 AGREED that it shall not be necessary for</p> <p>3 any objections to be made by counsel to any</p> <p>4 questions, except as to form or leading</p> <p>5 questions, and that counsel for the parties</p> <p>6 may make objections and assign grounds at</p> <p>7 the time of trial, or at the time said</p> <p>8 deposition is offered in evidence, or prior</p> <p>9 thereto.</p> <p>10 IT IS FURTHER STIPULATED AND</p> <p>11 AGREED that the notice of filing of the</p> <p>12 deposition by the Commissioner is waived.</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> |
| Page 2   | Page 4   |
| <p>1 DEPOSITION TESTIMONY OF:</p> <p>2 LISA MINTON</p> <p>3 MARCH 24, 2006</p> <p>4 1:25 p.m.</p> <p>5</p> <p>6 COURT REPORTER: Donna Armstrong</p> <p>7</p> <p>8 S T I P U L A T I O N</p> <p>9 IT IS STIPULATED AND AGREED, by</p> <p>10 and between the parties, through their</p> <p>11 respective counsel, that the deposition of</p> <p>12 LISA MINTON may be taken before Donna</p> <p>13 Armstrong, Commissioner, Certified</p> <p>14 Professional Reporter and Notary Public,</p> <p>15 State at Large;</p> <p>16 IT IS FURTHER STIPULATED AND</p> <p>17 AGREED that the signature to and reading of</p> <p>18 the deposition by the witness is waived,</p> <p>19 the deposition to have the same force and</p> <p>20 effect as if full compliance had been had</p> <p>21 with all laws and rules of Court relating</p> <p>22 to the taking of depositions;</p> <p>23</p> | <p>1 I N D E X</p> <p>2</p> <p>3 EXAMINATION BY: PAGE:</p> <p>4 MR. HAMILTON 06</p> <p>5</p> <p>6</p> <p>7 E X H I B I T S</p> <p>8</p> <p>9</p> <p>10 Defendant's 1 29</p> <p>11 Defendant's 2 31</p> <p>12 Defendant's 3 34</p> <p>13 Defendant's 4 37</p> <p>14 Defendant's 5 48</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>  |

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| <p>1 APPEARANCES</p> <p>2</p> <p>3</p> <p>4</p> <p>5 FOR THE PLAINTIFF:</p> <p>6 JOSHUA D. WILSON</p> <p>7 Wiggins, Childs, Quinn &amp; Pantazis, LLC</p> <p>8 301 Nineteenth Street North</p> <p>9 Birmingham, AL 35203</p> <p>10 (205) 328-0640</p> <p>11</p> <p>12</p> <p>13 FOR THE DEFENDANT:</p> <p>14 KEITH HAMILTON</p> <p>15 CELESTE GRENIER</p> <p>16 Bainbridge, Mims, Rogers &amp; Smith, LLP</p> <p>17 The Luckie Building</p> <p>18 600 Luckie Drive, Suite 415</p> <p>19 Birmingham, AL 35243</p> <p>20 (205) 879-1100</p> <p>21</p> <p>22</p> <p>23</p>   | <p>1 Q. Minton is your married name;</p> <p>2 right?</p> <p>3 A. Yes, sir.</p> <p>4 Q. What is your maiden name?</p> <p>5 A. English.</p> <p>6 Q. English?</p> <p>7 A. Yes, sir.</p> <p>8 Q. You are married to Kenneth Minton?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Have you been married to anyone</p> <p>11 besides Kenneth Minton?</p> <p>12 A. Yes, sir.</p> <p>13 Q. How many other times?</p> <p>14 A. Twice.</p> <p>15 Q. Who were your former husbands?</p> <p>16 A. Jimmy Royce Haney, Mark Allen</p> <p>17 Brewington.</p> <p>18 Q. Brewington?</p> <p>19 A. Brewington.</p> <p>20 Q. When were you married to Mr.</p> <p>21 Haney?</p> <p>22 A. In '94.</p> <p>23 Q. For how long?</p>   |
| Page 6  | Page 8   |
| <p>1 I, Donna Armstrong, a Certified</p> <p>2 Professional Reporter of Birmingham,</p> <p>3 Alabama, and a Notary Public for the State</p> <p>4 of Alabama at Large, acting as</p> <p>5 Commissioner, certify that on this date,</p> <p>6 pursuant to Rule 30 of the Alabama Rules of</p> <p>7 Civil Procedure and the foregoing</p> <p>8 stipulation of counsel, there came before</p> <p>9 me at 600 Luckie Drive, Birmingham,</p> <p>10 Alabama, on the 24th of March 2006,</p> <p>11 commencing at 1:25 p.m., LISA MINTON,</p> <p>12 witness in the above cause, for oral</p> <p>13 examination, whereupon the following</p> <p>14 proceedings were had:</p> <p>15</p> <p>16 LISA MINTON,</p> <p>17 being first duly sworn, was examined and</p> <p>18 testified as follows:</p> <p>19</p> <p>20 EXAMINATION BY MR. HAMILTON:</p> <p>21 Q. Ms. Minton, please, state your</p> <p>22 full name for the record?</p> <p>23 A. Lisa Marie Minton.</p> | <p>1 A. Five years.</p> <p>2 Q. Did that marriage end in divorce?</p> <p>3 A. Death.</p> <p>4 Q. Did you go by Haney at the time?</p> <p>5 A. Yes, sir.</p> <p>6 Q. And when were you married to Mr.</p> <p>7 Brewington?</p> <p>8 A. In 1989, I believe was the year we</p> <p>9 got married.</p> <p>10 Q. How long were you married?</p> <p>11 A. Five years.</p> <p>12 Q. Did you and Mr. Brewington get</p> <p>13 divorced?</p> <p>14 A. Yes, sir, we did.</p> <p>15 Q. Is he still living?</p> <p>16 A. Yes, sir, he is.</p> <p>17 Q. Where does he live?</p> <p>18 A. In Georgia.</p> <p>19 Q. Have you gone by any names besides</p> <p>20 Minton, England, Haney, or Brewington?</p> <p>21 A. Yes.</p> <p>22 Q. What other names?</p> <p>23 A. Martin.</p> |

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| <p>1 Q. Martin.</p> <p>2 A. Yes.</p> <p>3 Q. When did you go by Martin?</p> <p>4 A. When I was eighteen.</p> <p>5 Q. Okay. Just for a year?</p> <p>6 A. For a very short time.</p> <p>7 Q. Okay. What is your current</p> <p>8 address?</p> <p>9 A. 459 Butler Road, Dothan, Alabama,</p> <p>10 36305.</p> <p>11 Q. How long have you been there?</p> <p>12 A. For 11-3 of '03 is when I moved</p> <p>13 in.</p> <p>14 Q. So a little over two years?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Did you live in Dothan prior to</p> <p>17 living on the Butler Road address?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Where?</p> <p>20 A. 1118 East Sanders Road, Dothan,</p> <p>21 Alabama.</p> <p>22 Q. How long were you on Sanders Road?</p> <p>23 A. Approximately three years.</p>                        | <p>1 A. For the most part of my life, yes,</p> <p>2 sir.</p> <p>3 Q. Where did you go to high school?</p> <p>4 A. Carroll High.</p> <p>5 Q. Did you graduate?</p> <p>6 A. No, sir.</p> <p>7 Q. How long did you --</p> <p>8 A. Tenth grade.</p> <p>9 Q. Tenth grade. Have you taken any</p> <p>10 GED courses or trade courses or anything</p> <p>11 like that?</p> <p>12 A. I did go to Southeast Alabama</p> <p>13 Skill Center.</p> <p>14 Q. Okay.</p> <p>15 A. Yes, sir.</p> <p>16 Q. How long?</p> <p>17 A. Eight week course.</p> <p>18 Q. On what?</p> <p>19 A. CDL, to obtain a CDL.</p> <p>20 Q. Did you get your CDL?</p> <p>21 A. Yes, sir.</p> <p>22 Q. What class?</p> <p>23 A. Class A.</p>  |
| Page 10  | Page 12  |
| <p>1 Q. Where did you live before then?</p> <p>2 A. I lived at 1604 Hodgesville Road,</p> <p>3 Dothan, Alabama.</p> <p>4 Q. How long were you there?</p> <p>5 A. Approximately two years.</p> <p>6 Q. Have you been in Dothan all your</p> <p>7 life?</p> <p>8 A. No, sir.</p> <p>9 Q. When did you first move to Dothan?</p> <p>10 A. I moved to Dothan in -- I believe</p> <p>11 in the year 2000.</p> <p>12 Q. Did you live in Alabama before</p> <p>13 then?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Have you lived in Alabama all your</p> <p>16 life?</p> <p>17 A. Yes, sir.</p> <p>18 Q. What areas?</p> <p>19 A. Dothan, Alabama; Ozark, Alabama;</p> <p>20 and Jacksonville, Alabama.</p> <p>21 Q. Where were you born?</p> <p>22 A. In Ozark, Alabama.</p> <p>23 Q. Were you raised there?</p> | <p>1 Q. What is your date of birth?</p> <p>2 A. 10-6-66.</p> <p>3 Q. What is your Social Security</p> <p>4 number?</p> <p>5 A. 418-92-7145.</p> <p>6 Q. I'm sorry, I was asking you about</p> <p>7 your addresses in Dothan. You have moved</p> <p>8 to Dothan in 2000, around 2000?</p> <p>9 A. Yes, sir.</p> <p>10 Q. We have Hodgesville Road, East</p> <p>11 Sanders Road, your current address on</p> <p>12 Butler Road, anywhere else you lived in</p> <p>13 Dothan?</p> <p>14 A. I lived in an apartment for a</p> <p>15 short time, but I can't remember that</p> <p>16 address.</p> <p>17 Q. What apartments?</p> <p>18 A. It was Tanglewood.</p> <p>19 Q. Okay. Was that everything in</p> <p>20 Dothan?</p> <p>21 A. Yes, sir, to the best of my</p> <p>22 knowledge.</p> <p>23 Q. Who lives with you at the Butler</p> |

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| <p>1 Road address? I assume your husband does?</p> <p>2 A. Kenneth and Vivian, my daughter.</p> <p>3 Q. Vivian, your daughter. How old is</p> <p>4 she?</p> <p>5 A. She is three.</p> <p>6 Q. Okay.</p> <p>7 A. And then I have got Mark and</p> <p>8 Mason. And Mason is thirteen and Mark is</p> <p>9 fifteen and then Amber lives there somewhat</p> <p>10 of the time.</p> <p>11 Q. Who is Amber?</p> <p>12 A. That's my husband's daughter.</p> <p>13 Q. How old is she?</p> <p>14 A. She is fourteen.</p> <p>15 Q. Do you have any adult children?</p> <p>16 A. No, sir.</p> <p>17 Q. Does your husband have any adult</p> <p>18 children?</p> <p>19 A. No, sir.</p> <p>20 Q. Do you have any adult step</p> <p>21 children, I mean, from prior marriages or</p> <p>22 anything?</p> <p>23 A. Yes, sir.</p> | <p>1 Q. Vivian is adopted. Okay.</p> <p>2 A. Yes, sir.</p> <p>3 Q. How long have you and Mr. Minton</p> <p>4 been married?</p> <p>5 A. About nine and a half years.</p> <p>6 Q. Other than the people we have</p> <p>7 talked about, do you have any relatives in</p> <p>8 Houston County?</p> <p>9 A. No, sir.</p> <p>10 Q. What about in the Ozark area?</p> <p>11 A. No, sir.</p> <p>12 Q. Or Jacksonville?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Your folks still there or are they</p> <p>15 --</p> <p>16 A. No, sir, that's my sister's -- my</p> <p>17 two sisters and my brother. My parents are</p> <p>18 deceased.</p> <p>19 Q. Okay. Two sisters and a brother.</p> <p>20 What are their names?</p> <p>21 A. John English.</p> <p>22 Q. Okay.</p> <p>23 A. Susan Holland. And Donna Bryant.</p> |
| Page 14   | Page 16  |
| <p>1 Q. Okay. Where are they? Are any of</p> <p>2 them in Alabama?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Okay. Tell me who they are?</p> <p>5 A. Robert Lee Haney.</p> <p>6 Q. Where is he?</p> <p>7 A. He lives in Slocomb, Alabama.</p> <p>8 Q. Where is -- what county, do you</p> <p>9 know?</p> <p>10 A. Geneva County.</p> <p>11 Q. Geneva County?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Is Robert Lee Haney married?</p> <p>14 A. No, sir.</p> <p>15 Q. When you were married to his</p> <p>16 father, did you adopt Robert or were you</p> <p>17 just a stepmother?</p> <p>18 A. I was just a stepmother.</p> <p>19 Q. Do you have any other adult step</p> <p>20 children?</p> <p>21 A. No, sir.</p> <p>22 Q. Any adopted children?</p> <p>23 A. Vivian.</p>   | <p>1 Q. Bryant?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Are they all married?</p> <p>4 A. My brother is married.</p> <p>5 Q. What is his wife's name?</p> <p>6 A. Deborah English.</p> <p>7 Q. What about Susan?</p> <p>8 A. Susan is widowed.</p> <p>9 Q. Okay.</p> <p>10 A. And Donna is divorced.</p> <p>11 Q. Okay. And they are all in the</p> <p>12 Jacksonville area?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Do any of them have adult</p> <p>15 children?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Bunch of them?</p> <p>18 A. Donna has -- no -- yes, my brother</p> <p>19 has three.</p> <p>20 Q. Okay. What are their name?</p> <p>21 A. John English, Christy English,</p> <p>22 Jamie English, Sean Williamson, and</p> <p>23 Danielle Holland.</p>   |

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| <p>1 Q. Okay. Those are all of the adult<br/>2 nieces and nephews that you have?<br/>3 A. Yes, sir.<br/>4 Q. Where is your husband from?<br/>5 A. Virginia.<br/>6 Q. Okay. Do you have any in-laws in<br/>7 Alabama?<br/>8 A. No, sir.<br/>9 Q. Good. Are you employed today?<br/>10 A. No, sir.<br/>11 Q. What is the last job you held?<br/>12 A. Wiley Sanders.<br/>13 Q. Wiley Sanders?<br/>14 A. Yes, sir.<br/>15 Q. What is the actual -- full name of<br/>16 that company?<br/>17 A. Wiley Sanders Truck Line.<br/>18 Q. Did you drive for them?<br/>19 A. Yes, sir.<br/>20 Q. How long were you employed?<br/>21 A. Approximately two months.<br/>22 Q. I understand that you didn't work<br/>23 full-time; is that right?</p>  | <p>1 Q. Oh, that's the transit authority?<br/>2 A. Yes, sir.<br/>3 Q. How long were you with Wiregrass<br/>4 Transit?<br/>5 A. If my calculations are right,<br/>6 approximately three years.<br/>7 Q. Okay. What period of time?<br/>8 A. From 2000 to 2003, I believe is<br/>9 the years.<br/>10 Q. Around when in '03 did you leave<br/>11 that job?<br/>12 A. I believe it was in October, sir,<br/>13 in October.<br/>14 Q. So from October of '03 until the<br/>15 summer of '05 you were not employed at all?<br/>16 A. No, sir.<br/>17 Q. Did you have any means of income?<br/>18 A. My husband.<br/>19 Q. But none that you brought in. No<br/>20 odd jobs or anything like that?<br/>21 A. No, sir.<br/>22 Q. Baby sitting, any of that sort of<br/>23 stuff?</p>   |
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| <p>1 A. Yes, sir, that's right.<br/>2 Q. What was your schedule?<br/>3 A. Well, the reason -- the schedule<br/>4 was on I would go out and work and stay<br/>5 gone for several weeks at a time, but the<br/>6 reason I was allowed to do this is because<br/>7 my children were out of school. So that<br/>8 was a temporary job.<br/>9 Q. Just for the summer?<br/>10 A. Yes, sir.<br/>11 Q. When the kids went back to school,<br/>12 did you have to quit?<br/>13 A. Yes, sir.<br/>14 Q. You were not terminated?<br/>15 A. No, sir.<br/>16 Q. Prior to working for Wiley<br/>17 Sanders, what was your job?<br/>18 A. Prior to Wiley Sanders was<br/>19 Wiregrass Transit.<br/>20 Q. That's in Dothan?<br/>21 A. Yes, sir.<br/>22 Q. What did you do for them?<br/>23 A. I drove a bus, a transit bus.</p> | <p>1 A. Now, throughout the years I have<br/>2 done a little babysitting here and there.<br/>3 Q. Okay.<br/>4 A. But as far as a regular job, no,<br/>5 sir.<br/>6 Q. Were you trying to get employment<br/>7 between October of 2003 and January of '05?<br/>8 A. January -- January is when I<br/>9 started seeking employment.<br/>10 Q. Obviously, we're going to get to<br/>11 January and talk about that in a second.<br/>12 I'm just trying to fill in the gap.<br/>13 A. Okay.<br/>14 Q. So between October of '03 when you<br/>15 left Wiregrass Transit and January of '05<br/>16 when you began seeking employment, you<br/>17 weren't actively looking for a job?<br/>18 A. No, sir.<br/>19 Q. Why did you leave Wiregrass<br/>20 Transit?<br/>21 A. To be with Vivian.<br/>22 Q. Okay. I didn't write it down, is<br/>23 she the three year old?</p> |

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| <p>1 A. Yes, sir, she's three years old.</p> <p>2 Q. Other than drive for Wiley</p> <p>3 Sanders, what did you do? I mean, did you</p> <p>4 load and unload the trucks or was it just</p> <p>5 you drive and someone else would unload the</p> <p>6 trucks?</p> <p>7 A. Yes, sir, someone else would</p> <p>8 unload the truck.</p> <p>9 Q. Would you help?</p> <p>10 A. No, sir.</p> <p>11 Q. Prior no going to work for</p> <p>12 Wiregrass Transit, what did you do?</p> <p>13 A. Wiregrass Transit, I worked with</p> <p>14 MDS, that's Morristown Driver Service and</p> <p>15 that is also a trucking company.</p> <p>16 Q. Okay. Is that like a temp</p> <p>17 trucking agency that clients would call and</p> <p>18 they need a driver for something?</p> <p>19 A. No, sir. It is a regular trucking</p> <p>20 company.</p> <p>21 Q. Okay. How long were you with MDS?</p> <p>22 A. Approximately four months.</p> <p>23 Q. In 2000?</p> | <p>1 A. This was in '99. I'm not quite</p> <p>2 sure on my dates, but my husband was killed</p> <p>3 in '98. It was the end part of '98 through</p> <p>4 '99.</p> <p>5 Q. Okay. And what exactly did you do</p> <p>6 for Schwan's?</p> <p>7 A. I drove a route truck and I also</p> <p>8 was new sales. I went out and made new</p> <p>9 sales for the company and a new sales --</p> <p>10 you know, I would go out and I would make</p> <p>11 the new sales for them and produce sales</p> <p>12 for the gentleman's route. And then I was</p> <p>13 also a relief route driver. I would drive</p> <p>14 the trucks when one of the route gentleman</p> <p>15 were out. And then eventually it got to</p> <p>16 where I just drove my own route truck.</p> <p>17 Q. Okay. Were there any other women</p> <p>18 at Swan's doing driving jobs or route jobs?</p> <p>19 A. Throughout the whole company?</p> <p>20 Yes. In Gadsden, I don't believe there</p> <p>21 was.</p> <p>22 Q. What sort of physical requirements</p> <p>23 did that job have?</p> |
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| <p>1 A. Yes, sir.</p> <p>2 Q. What happened there? Why did you</p> <p>3 leave?</p> <p>4 A. Children was the main reason and</p> <p>5 then that's when I come home and went to</p> <p>6 work for Wiregrass Transit.</p> <p>7 Q. Where were you? Where was MDS?</p> <p>8 A. MDS was located out of Morristown,</p> <p>9 Tennessee.</p> <p>10 Q. Okay. Have you ever held any kind</p> <p>11 of sales position?</p> <p>12 A. Yes, sir, I have.</p> <p>13 Q. Tell me about that. More than</p> <p>14 one?</p> <p>15 A. Yes, sir, I have.</p> <p>16 Q. Tell me about those.</p> <p>17 A. Okay. I have worked for Schwan's</p> <p>18 Fine Foods.</p> <p>19 Q. Where is Schwan's located?</p> <p>20 A. The home office I do believe is</p> <p>21 located in Montgomery, Alabama. I worked</p> <p>22 out of Gadsden, Alabama.</p> <p>23 Q. When was this?</p>  | <p>1 A. Stooping, bending, lifting.</p> <p>2 Q. Heavy lifting?</p> <p>3 A. Yes.</p> <p>4 Q. How much?</p> <p>5 A. I'm not sure of the -- of the</p> <p>6 exact weight amount, but, you know, you</p> <p>7 would have the frozen food products, ice</p> <p>8 cream, boxes of ice cream, that you would</p> <p>9 have to put on your truck that you would</p> <p>10 pull off of your truck.</p> <p>11 Q. Was that a regular part of your</p> <p>12 day was pulling off and lifting boxes of</p> <p>13 frozen ice cream?</p> <p>14 A. Yes, sir, and food and this was an</p> <p>15 all day process.</p> <p>16 Q. Would you say that the heavier</p> <p>17 items weighed in the range of forty or</p> <p>18 fifty pounds or more?</p> <p>19 A. Yes, sir. I'm sure that once you</p> <p>20 pulled off -- like you would have to pull</p> <p>21 someone's order. Let's say that they</p> <p>22 ordered three gallons of ice cream. They</p> <p>23 ordered three pizza's, a box of the noodle</p>   |

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|--|---|
| <p>1 beef noodles, so forth and so on. Then you</p> <p>2 would have to pull all of this off the</p> <p>3 truck, put it in the box, and tote it in.</p> <p>4 Q. All right. What other route sales</p> <p>5 type positions such as what you had at</p> <p>6 Schwan's did you have?</p> <p>7 A. I worked with Made-Right Sandwich</p> <p>8 Company. I worked with them in part of the</p> <p>9 '99, 2000. I worked for them for</p> <p>10 approximately five to six months and that's</p> <p>11 when I moved back home from Jacksonville.</p> <p>12 Q. Is that why you left to move back</p> <p>13 home?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Why did you leave Schwan's, I</p> <p>16 don't think I asked you that?</p> <p>17 A. I left Schwan's because I was</p> <p>18 working -- after my husband died, I devoted</p> <p>19 all my time into working to ease things.</p> <p>20 And I was working so many hours, never no</p> <p>21 time with my children. So with the</p> <p>22 Made-Right Sandwich Company I would not</p> <p>23 have to put in as many hours. I was</p> | <p>1 A. One.</p> <p>2 Q. When was that and what was it for?</p> <p>3 A. It was in 1993, I believe was the</p> <p>4 year and -- '93, '94, and it was from where</p> <p>5 I was making tents with Teledyne and I had</p> <p>6 to have surgery here and here (indicating).</p> <p>7 Q. Making tents?</p> <p>8 A. Making a type of tent for Teledyne</p> <p>9 in Slocumb, Alabama.</p> <p>10 Q. Did you get cut?</p> <p>11 A. No, sir. This is where the doctor</p> <p>12 cut me. (Indicating).</p> <p>13 Q. Oh, okay, you had surgery. Did</p> <p>14 you hurt your elbow or something?</p> <p>15 A. Yes.</p> <p>16 Q. Has that limited your ability to</p> <p>17 perform physical work?</p> <p>18 A. No, sir.</p> <p>19 Q. Have you ever been put on any sort</p> <p>20 of physical restrictions from work other</p> <p>21 than obviously after you had that surgery</p> <p>22 you couldn't do certain things for a while,</p> <p>23 but other than that, have you ever been put</p> |
| Page 26  | Page 28   |
| <p>1 staying with my brother and his wife in</p> <p>2 their home in Jacksonville and I would work</p> <p>3 anywhere from 9:00 to 10:00 o'clock at</p> <p>4 night. When I would get home, my children</p> <p>5 would be asleep and then I would get up</p> <p>6 early, 4:00, 5:00 o'clock the next morning,</p> <p>7 and go do it again.</p> <p>8 Q. Just got to be too much?</p> <p>9 A. Right. Well, it got to be where I</p> <p>10 wanted to spend some more time with my</p> <p>11 children. So I could do less hours with</p> <p>12 Made-Right. I could run my route, get my</p> <p>13 stores completed, and if I did it in -- if</p> <p>14 I did it in six hours, then I was at home.</p> <p>15 If it took me eight hours, you know,</p> <p>16 whatever it took me, but I could run my</p> <p>17 route, do what I was supposed to do. As</p> <p>18 soon as my stores was served I was able to</p> <p>19 come home.</p> <p>20 Q. Have you ever sought workers'</p> <p>21 compensation benefits?</p> <p>22 A. Yes, sir, I have.</p> <p>23 Q. How many times?</p>      | <p>1 on restrictions by a doctor?</p> <p>2 A. No, sir.</p> <p>3 Q. Do you have any physical</p> <p>4 disabilities?</p> <p>5 A. No, sir.</p> <p>6 Q. Have you ever?</p> <p>7 A. Well, I have had the -- this</p> <p>8 (indicating). I have this disability</p> <p>9 (indicating).</p> <p>10 Q. For the record, since the court</p> <p>11 reporter is putting it down. You are</p> <p>12 referring to your forearm area and elbow?</p> <p>13 A. This is carpal tunnel, okay? But</p> <p>14 I don't know exactly what they called this.</p> <p>15 Cubical tone syndrome or something. I</p> <p>16 don't know exactly what they called this.</p> <p>17 Q. Was it a repetitive stress injury</p> <p>18 like carpal tunnel?</p> <p>19 A. Yes, that's what this was, yes,</p> <p>20 sir.</p> <p>21 Q. Was the elbow ding as well?</p> <p>22 A. Something had popped out of --</p> <p>23 something had popped somewhat in here and</p>  |

7 (Pages 25 to 28)

## FREEDOM COURT REPORTING

| Page 29   | Page 31  |
|---|--|
| <p>1 he had to go in here and there is a<br/>2 specific name for it, sir, I just don't<br/>3 know that name.<br/>4 Q. I'm just trying to get a general<br/>5 idea of what it is.<br/>6 A. Something had popped in here and<br/>7 he had to go in there and repair that.<br/>8 Q. That happened, though, before you<br/>9 had the job with Schwan's that required you<br/>10 to lift the relatively heavy boxes?<br/>11 A. Yes, sir.<br/>12 Q. Did you ever have any incidence,<br/>13 any physical problems resulting from your<br/>14 toting the boxes around from Schwan's?<br/>15 A. No, sir.<br/>16<br/>17 (Whereupon, Defendant's<br/>18 Number 1 was marked for<br/>19 identification purposes and<br/>20 attached to the deposition.)<br/>21<br/>22 Q. Let me get some of these papers<br/>23 out of the way. Defendant's Exhibit 1 is</p>   | <p>1 Let me back up for a second. You didn't<br/>2 actually prepare this document yourself;<br/>3 right?<br/>4 A. No, sir.<br/>5 MR. WILSON: Object to the form of<br/>6 the question, but that's fine.<br/>7 Q. The information alleged in<br/>8 paragraph's nine through fifteen, is that<br/>9 information that came from you?<br/>10 A. Yes, sir.<br/>11<br/>12 (Whereupon, Defendant's<br/>13 Number 2 was marked for<br/>14 identification purposes and<br/>15 attached to the deposition.)<br/>16<br/>17 Q. Let me go on to Defendant's<br/>18 Exhibit 2, which is a copy of the<br/>19 discrimination with the EEOC. It's not a<br/>20 great copy, but you can probably recognize<br/>21 everything on it. You have seen that<br/>22 document before, Ms. Minton?<br/>23 A. Yes, I have.</p>                         |
| Page 30   | Page 32  |
| <p>1 titled first amended complaint and it is<br/>2 the first amended complaint in this case.<br/>3 And I will show it to you and I will ask<br/>4 you whether you have seen that document<br/>5 before today? You're welcome to look<br/>6 through it.<br/>7 A. This is the -- this is the<br/>8 complaint?<br/>9 Q. Well, it is not the original<br/>10 complaint. It was an amended complaint.<br/>11 So, yes, just not the original complaint?<br/>12 A. Oh, okay. Yes, sir.<br/>13 Q. Would you, please, look at the<br/>14 bottom of page two under factual<br/>15 allegations starting with paragraph nine<br/>16 and continuing until the following page of<br/>17 paragraph fifteen?<br/>18 MR. WILSON: Read it.<br/>19 THE WITNESS: Okay.<br/>20 MR. WILSON: No, not --<br/>21 Q. You don't have to read it out<br/>22 loud. I just want you to familiarize<br/>23 yourself with it. Just take your time.</p> | <p>1 Q. Is that your EEOC charge?<br/>2 A. Uh-huh.<br/>3 Q. You have to say yes for the court<br/>4 reporter.<br/>5 A. Yes.<br/>6 Q. Who prepared that document?<br/>7 MR. WILSON: I'm going to object<br/>8 to any attorney/client privilege this may<br/>9 get into.<br/>10 Q. Yeah, and I don't want to get into<br/>11 anything that's privileged. For now, I<br/>12 just want to know who prepared it. Who<br/>13 typed it?<br/>14 A. My attorney.<br/>15 Q. Did you provide the information<br/>16 that is included in this, particularly<br/>17 under where it says the particulars are and<br/>18 then there are six numbered paragraphs?<br/>19 A. Yes, sir.<br/>20 Q. Did you sign it at the bottom<br/>21 where it says charging party signature?<br/>22 A. Yes, sir.<br/>23 Q. Does that say Lisa M. Minton?</p> |

8 (Pages 29 to 32)



# FREEDOM COURT REPORTING

|  |  |
|--|--|
| <p style="text-align: right;">Page 33</p> <p>1 A. Yes, sir.</p> <p>2 Q. And you signed it on February 10th</p> <p>3 of '05?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Do you see right above that where</p> <p>6 it says I declare under penalty of perjury</p> <p>7 that the foregoing is true and correct?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Had you read that language before</p> <p>10 you signed it?</p> <p>11 A. Read what was right here, sir?</p> <p>12 One through six?</p> <p>13 Q. Well, actually -- yes, I will ask</p> <p>14 you that question. I was really asking did</p> <p>15 you -- were you aware that -- were you</p> <p>16 declaring under the penalty of perjury that</p> <p>17 the foregoing is true and correct?</p> <p>18 A. This is true and correct.</p> <p>19 Q. And that is based on your own</p> <p>20 information?</p> <p>21 A. Yes, sir.</p> <p>22</p> <p>23 (Whereupon, Defendant's</p> | <p style="text-align: right;">Page 35</p> <p>1 Q. How do you know her?</p> <p>2 A. Her mother and -- her mother and</p> <p>3 father and my mother and father were raised</p> <p>4 up together and we have just all been</p> <p>5 raised up together.</p> <p>6 Q. Okay. So you have known her most</p> <p>7 of your life since you were a child?</p> <p>8 A. Yes, sir.</p> <p>9 Q. I presume then Mr. Paul Potter is</p> <p>10 Michelle Potter's husband?</p> <p>11 A. Yes.</p> <p>12 Q. How long have you known him?</p> <p>13 A. I have known Paul since -- let me</p> <p>14 think, approximately around '96. 1996.</p> <p>15 Q. Okay. Michelle and Paul Potter</p> <p>16 are identified in Defendant's Exhibit 3 as</p> <p>17 individuals who are believed to have</p> <p>18 discoverable personal knowledge concerning</p> <p>19 the factual issues raised in your</p> <p>20 complaint. I have an affidavit -- there is</p> <p>21 an affidavit attached to Defendant's</p> <p>22 Exhibit 3 of Michelle Potter. I have</p> <p>23 reviewed it and can you tell me whether</p> |
| <p style="text-align: right;">Page 34</p> <p>1 Number 3 was marked for</p> <p>2 identification purposes and</p> <p>3 attached to the deposition.)</p> <p>4</p> <p>5 Q. Defendant's Exhibit 3 is entitled</p> <p>6 plaintiff's initial disclosures in this</p> <p>7 case. Have you seen that document before,</p> <p>8 Ms. Minton?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Who is Michelle Potter?</p> <p>11 A. She is a close friend.</p> <p>12 Q. Where does she live?</p> <p>13 A. Ozark, Alabama.</p> <p>14 Q. What does she do for a living?</p> <p>15 A. She is in child care.</p> <p>16 Q. What do you mean?</p> <p>17 A. She works at a child care</p> <p>18 facility.</p> <p>19 Q. Like a daycare center?</p> <p>20 A. Yes, sir, she is a teacher there.</p> <p>21 Q. Which one?</p> <p>22 A. I don't know the name of the</p> <p>23 daycare.</p>   | <p style="text-align: right;">Page 36</p> <p>1 there is other information that you are</p> <p>2 aware of that Michelle Potter or that you</p> <p>3 believe Michelle Potter may have about this</p> <p>4 case other than what is stated in her</p> <p>5 affidavit?</p> <p>6 A. Not to my knowledge, no, sir.</p> <p>7 Q. Now, what information would you</p> <p>8 think Paul Potter would have about this</p> <p>9 case?</p> <p>10 A. It is going to be in connection</p> <p>11 with what, you know, Michelle has discussed</p> <p>12 with her husband.</p> <p>13 Q. Okay. But nothing then -- no</p> <p>14 direct knowledge about --</p> <p>15 A. No.</p> <p>16 Q. Let me ask it this way. I think</p> <p>17 you just answered the question. I just</p> <p>18 want to make sure. Anything Paul Potter</p> <p>19 knows about this case, he has heard from</p> <p>20 somebody else?</p> <p>21 A. To my knowledge.</p> <p>22 Q. Okay. What about Kenneth Minton,</p> <p>23 what about your husband?</p>   |

9 (Pages 33 to 36)

## FREEDOM COURT REPORTING

| Page 37  | Page 39  |
|--|--|
| <p>1 A. That is my --</p> <p>2 Q. Would the same go for him?</p> <p>3 Anything he knows about it he has heard</p> <p>4 from you or from Michelle?</p> <p>5 A. Yes, to my knowledge.</p> <p>6 Q. To your knowledge?</p> <p>7 A. (Witness nods head.)</p> <p>8 Q. So Mr. Minton and Mr. Potter don't</p> <p>9 have any, to your knowledge, direct</p> <p>10 information, direct knowledge about this</p> <p>11 case?</p> <p>12 A. That is correct, sir.</p> <p>13</p> <p>14 (Whereupon, Defendant's</p> <p>15 Number 4 was marked for</p> <p>16 identification purposes and</p> <p>17 attached to the deposition.)</p> <p>18</p> <p>19 Q. Okay. I'm done with that one.</p> <p>20 Defendant's Exhibit 4 is titled plaintiff's</p> <p>21 response to defendant's interrogatories and</p> <p>22 requests for production. Your signature</p> <p>23 appears on page ten of that document; is</p> | <p>1 Kathy Coggins.</p> <p>2 Q. What is that?</p> <p>3 A. Maintenance repair.</p> <p>4 Q. I understand that you are the</p> <p>5 plaintiff in a pending lawsuit against,</p> <p>6 Tommy and Kathy Coggins?</p> <p>7 A. Yes, sir, I am.</p> <p>8 Q. That lawsuit is in Houston County,</p> <p>9 Alabama?</p> <p>10 A. Yes, sir.</p> <p>11 Q. What is that case about?</p> <p>12 A. It is where our home had been --</p> <p>13 the roof needed to be replaced on our home</p> <p>14 and it had been foregoing for some time and</p> <p>15 eventually it just -- water was pouring</p> <p>16 into the home and it caused an accident.</p> <p>17 Q. What do the Coggins have to do</p> <p>18 with that case?</p> <p>19 A. Because they -- first, they own</p> <p>20 the home.</p> <p>21 Q. They are the landlords?</p> <p>22 A. Yes, sir. And second, they --</p> <p>23 when the trailer was placed there, Mr.</p> |
| Page 38  | Page 40  |
| <p>1 that correct?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Have you read the answers to the</p> <p>4 interrogatories? And did you provide the</p> <p>5 information in those? I'm not talking</p> <p>6 about the objections that your lawyers have</p> <p>7 asserted, but the actual factual</p> <p>8 information?</p> <p>9 A. Yes, sir.</p> <p>10 Q. That's from you?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Is it all true?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Where else has Mr. Minton worked</p> <p>15 in the last five years besides Perdue</p> <p>16 Farms?</p> <p>17 A. Alabama Motor Express.</p> <p>18 Q. Where are they based?</p> <p>19 A. Dothan, Alabama.</p> <p>20 Q. He was a driver for them?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Anywhere else?</p> <p>23 A. Yes, he has worked for Tommy and</p>   | <p>1 Coggins was told to put a roof on the</p> <p>2 mobile home.</p> <p>3 Q. Okay.</p> <p>4 A. He was advised to put a roof on</p> <p>5 the mobile home.</p> <p>6 Q. Where is that home?</p> <p>7 A. 1118 East Sanders Road.</p> <p>8 Q. What is the current status of that</p> <p>9 lawsuit?</p> <p>10 A. Pending.</p> <p>11 Q. Is it set for trial?</p> <p>12 A. I'm not -- I don't know, sir.</p> <p>13 Q. Who is your lawyer is in that?</p> <p>14 A. Kerry N. Hamner.</p> <p>15 Q. Are there other defendants besides</p> <p>16 the Coggins?</p> <p>17 A. Could you rephrase the question?</p> <p>18 Q. Who are defendants in that case?</p> <p>19 I know Tommy Coggins is a defendant; right?</p> <p>20 A. Right.</p> <p>21 Q. Or Kathy Coggins?</p> <p>22 A. Right.</p> <p>23 Q. Is there anyone else or any</p>  |

10 (Pages 37 to 40)



**FREEDOM COURT REPORTING**

| Page 41  | Page 43   |
|--|---|
| <p>1 entity, any company that is a defendant?</p> <p>2 MR. WILSON: That you know of.</p> <p>3 A. Not that I know of.</p> <p>4 Q. Just those two as individuals?</p> <p>5 A. I'm assuming.</p> <p>6 Q. Have you been a party to any other</p> <p>7 lawsuits of any kind in the past ten years?</p> <p>8 A. Yes.</p> <p>9 Q. What else?</p> <p>10 A. I had the -- the court -- the</p> <p>11 Q. Teledyne?</p> <p>12 A. Teledyne.</p> <p>13 Q. You have that listed here.</p> <p>14 Workers' comp claim.</p> <p>15 A. Yes.</p> <p>16 Q. We are not talking about this</p> <p>17 case. Obviously, I know about this case.</p> <p>18 Anything else?</p> <p>19 A. I have been -- I have been sued</p> <p>20 twice.</p> <p>21 Q. What were those about?</p> <p>22 A. One is a bill from Southeast</p> <p>23 Alabama Medical Center and one was a -- the</p>   | <p>1 A. Just against me.</p> <p>2 Q. Have you submitted the claim to</p> <p>3 the insurance company?</p> <p>4 A. The hospital submitted the claim</p> <p>5 to the insurance company.</p> <p>6 Q. And I take it that was denied?</p> <p>7 A. Right.</p> <p>8 Q. Have you protested that decision</p> <p>9 with the insurance company?</p> <p>10 A. I have brought it to their</p> <p>11 attention, but nothing has been done about</p> <p>12 it.</p> <p>13 Q. And you said that claim is still</p> <p>14 pending?</p> <p>15 A. Yes, sir.</p> <p>16 Q. What did you do to make the</p> <p>17 garbage company mad at you?</p> <p>18 A. I didn't know that -- when we</p> <p>19 moved into 459 Butler Road, the trash</p> <p>20 people just kept picking the trash up.</p> <p>21 Well, I thought that was included with Mr.</p> <p>22 Gilly. But it was not so it had been</p> <p>23 adding up and adding up and adding up.</p>           |
| Page 42  | Page 44   |
| <p>1 City of Dothan trash pick up.</p> <p>2 Q. What was the result of Southeast</p> <p>3 Alabama Medical Center case?</p> <p>4 A. It is still pending.</p> <p>5 Q. How much is that bill?</p> <p>6 A. I'm not exactly sure, sir.</p> <p>7 Q. What is your best guess?</p> <p>8 A. I think it was twelve hundred</p> <p>9 dollars, but I'm not -- there is several</p> <p>10 bills and I'm not exactly sure, sir.</p> <p>11 Q. Do you dispute that you owe the</p> <p>12 money that's being sought by the hospital?</p> <p>13 A. No, sir, I dispute on -- my</p> <p>14 husband carries insurance on me and that</p> <p>15 insurance should be paying part of that</p> <p>16 claim.</p> <p>17 Q. Who is the insurance company?</p> <p>18 A. Accordia. Accordia. I believe</p> <p>19 I'm saying that right.</p> <p>20 Q. I think that's right. Are they</p> <p>21 part of that lawsuit, the Southeast Alabama</p> <p>22 Medical Center lawsuit or is the suit just</p> <p>23 against you?</p> | <p>1 Q. You didn't know that you were</p> <p>2 supposed to be paying for the trash pick</p> <p>3 up?</p> <p>4 A. Yes, sir.</p> <p>5 Q. And they were just picking it up?</p> <p>6 A. Yes, sir. So now I owe for that</p> <p>7 trash pick up, sir.</p> <p>8 Q. And -- how much do you owe?</p> <p>9 A. I'm not exactly sure. I think it</p> <p>10 is, like, a hundred and fifty dollars.</p> <p>11 Q. Mr. Gilly, I take it, was there</p> <p>12 before you?</p> <p>13 A. Mr. Gilly is the actual owners of</p> <p>14 the property.</p> <p>15 Q. Okay. You know, I was getting the</p> <p>16 Sanders Road, the Coggins property mixed up</p> <p>17 with the -- Gilly is the owner of the</p> <p>18 property where you live right now?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Other than the complaint, charge,</p> <p>21 against my client, have you ever filed a</p> <p>22 discrimination charge with the EEOC or in</p> <p>23 court?</p> |

11 (Pages 41 to 44)

## FREEDOM COURT REPORTING

| Page 45   | Page 47   |
|---|---|
| <p>1 A. No, sir.</p> <p>2 Q. You gave a deposition I see two</p> <p>3 days ago?</p> <p>4 A. Yes, sir.</p> <p>5 Q. And that was in the Coggins' case?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Is your husband a party in that</p> <p>8 case?</p> <p>9 A. No, sir.</p> <p>10 Q. Who is on the lease? Who was on</p> <p>11 the lease?</p> <p>12 A. We didn't sign a lease at that</p> <p>13 time.</p> <p>14 Q. Why are you the only plaintiff in</p> <p>15 this case?</p> <p>16 A. Because I'm the one that slipped</p> <p>17 and fell in the water.</p> <p>18 Q. I didn't pick up on that part of</p> <p>19 it. So did you suffer an injury for that</p> <p>20 when you slipped and fell?</p> <p>21 A. Yes, sir, I did.</p> <p>22 Q. What injury?</p> <p>23 A. It's a pinched nerve.</p>  | <p>1 A. Nothing in particular. It can be</p> <p>2 as little as sitting there, waking up and</p> <p>3 going to sit in a chair. You might have</p> <p>4 slept wrong. Or I guess it is whenever it</p> <p>5 decides it wants to do something. But most</p> <p>6 of the time when I wake up, I guess from</p> <p>7 where I sleep a certain way.</p> <p>8 Q. So it is sore when you wake up or</p> <p>9 does it pinch or burn?</p> <p>10 A. It is kind of like a little pinchy</p> <p>11 feeling. Like a little, you know, pinchy</p> <p>12 feeling.</p> <p>13 Q. What about when you are engaged in</p> <p>14 some kind of physical activities, are there</p> <p>15 kinds of things that cause it to bother you</p> <p>16 more than others?</p> <p>17 A. No, sir, because I'm physical all</p> <p>18 the time. I have five kids.</p> <p>19 Q. Lifting your three year old</p> <p>20 doesn't exacerbate any problem there?</p> <p>21 A. No, sir.</p> <p>22</p> <p>23 (Whereupon, Defendant's</p> |
| Page 46   | Page 48   |
| <p>1 Q. When did that happen?</p> <p>2 A. Let me think. October the 26th, I</p> <p>3 believe was the date.</p> <p>4 Q. Of what?</p> <p>5 A. 2003.</p> <p>6 Q. Okay. Right before you moved?</p> <p>7 A. Yes.</p> <p>8 Q. We know why you moved, I guess,</p> <p>9 the roof fell in?</p> <p>10 A. Just about it, yes, sir.</p> <p>11 Q. Where is the pinched nerve?</p> <p>12 A. Into this part of my neck right</p> <p>13 here (indicating).</p> <p>14 Q. Okay. You're pointing to the</p> <p>15 right side of your neck where it comes into</p> <p>16 your shoulder?</p> <p>17 A. Right there (indicating).</p> <p>18 Q. Okay. Does that still bother you?</p> <p>19 A. Yes, at times, it can. Most of</p> <p>20 the times it's fairly decent. There is</p> <p>21 sometimes that it will give -- it will give</p> <p>22 a little aggravation, pain.</p> <p>23 Q. What causes it to flare up?</p> | <p>1 Number 5 was marked for</p> <p>2 identification purposes and</p> <p>3 attached to the deposition.)</p> <p>4</p> <p>5 Q. Defendant's Exhibit 5 is titled</p> <p>6 renote of taking deposition. Have you</p> <p>7 seen this document before?</p> <p>8 A. If I have, sir, I don't remember</p> <p>9 it.</p> <p>10 Q. Did you bring any documents with</p> <p>11 you today to this deposition?</p> <p>12 A. No, sir, I didn't.</p> <p>13 Q. Were you asked to?</p> <p>14 A. No, sir.</p> <p>15 Q. Have your 2005 tax returns been</p> <p>16 completed?</p> <p>17 A. Yes, sir, they have.</p> <p>18 Q. Have they been filed?</p> <p>19 A. Yes, sir, they have.</p> <p>20 Q. And that's this years. I mean,</p> <p>21 that's the ones to be filed that are due in</p> <p>22 April, just to be clear?</p> <p>23 A. Yes, sir, they have.</p>   |

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| Page 49  | Page 51  |
|--|--|
| <p>1 Q. Would you, please, get a copy of<br/>2 those to your lawyer so that he can get<br/>3 them to me?<br/>4 A. Yes, sir, I will.<br/>5 Q. Other than with my client and with<br/>6 Wiley Sanders Trucking, have you applied<br/>7 for any positions since January 1st of<br/>8 2005?<br/>9 A. I applied for Pepsi Cola in<br/>10 Dothan.<br/>11 Q. To do what?<br/>12 A. To -- to ride around with a sales<br/>13 person to do the snack vending.<br/>14 Q. So it wasn't a driving position as<br/>15 well?<br/>16 A. Not at that time. It would have<br/>17 developed into a driving position.<br/>18 Q. Okay. Sort of like a route sales<br/>19 job?<br/>20 A. Correct.<br/>21 Q. What is the name of that company?<br/>22 A. Pepsi Cola.<br/>23 Q. Is it --</p>                            | <p>1 Q. So it was some time after the<br/>2 summer?<br/>3 A. Yes.<br/>4 Q. What was the result of that<br/>5 application?<br/>6 A. I didn't get hired.<br/>7 Q. Did you get interviewed?<br/>8 A. Yes, sir, I did.<br/>9 Q. Who interviewed you?<br/>10 A. I don't have his name with me<br/>11 today either.<br/>12 Q. Did they call and tell you you<br/>13 weren't hired or did you just never hear<br/>14 back from them after the interview?<br/>15 A. I called them and asked what the<br/>16 status was and she told me that I did not<br/>17 make it for that position and that he was<br/>18 keeping me -- keeping my name for some<br/>19 other type of position, but I can't<br/>20 remember what she said that name was.<br/>21 Q. Did she explain why you did not<br/>22 make it for that position?<br/>23 A. No, sir, I didn't ask.</p>  |
| Page 50  | Page 52  |
| <p>1 MR. WILSON: Might be Buffalo<br/>2 Rock. Is that who owns it?<br/>3 THE WITNESS: Yes, sir, it is.<br/>4 Q. Buffalo rock?<br/>5 A. Yes, sir. Yes, sir.<br/>6 Q. They have a Dothan office, did you<br/>7 go in there and apply or did you mail an<br/>8 application in or what?<br/>9 A. I went into the office and<br/>10 applied.<br/>11 Q. When did this happen?<br/>12 A. I'm not -- I don't have the dates,<br/>13 sir.<br/>14 Q. Approximately when?<br/>15 A. I just -- I don't know, sir. I do<br/>16 have it written down at home, but I do not<br/>17 have that with me today, sir.<br/>18 Q. Was it before or after you went<br/>19 into Culligan of the Wiregrass?<br/>20 A. After.<br/>21 Q. Was it before or after you applied<br/>22 with Wiley Sanders?<br/>23 A. After.</p> | <p>1 Q. Do you know who received the<br/>2 position for which you applied?<br/>3 A. No, sir, I don't.<br/>4 Q. Do you know the gender of the<br/>5 position who received the position?<br/>6 A. No, sir, I don't.<br/>7 Q. Do you feel like you were<br/>8 discriminated against by Buffalo Rock?<br/>9 A. No, sir, I don't.<br/>10 Q. Any other applications for 2005 or<br/>11 the first of this year?<br/>12 A. Not to my knowledge.<br/>13 Q. What do you mean?<br/>14 A. There were -- I mean, I had<br/>15 applied -- there was this other place, but<br/>16 it wasn't -- like a telephone books is what<br/>17 I had done. But it was not like a job,<br/>18 job, if that makes any sense. You could --<br/>19 you could go and you could put the<br/>20 telephone books out, but you wasn't hired<br/>21 for the job. Does that make any sense?<br/>22 Q. Did you get paid for it?<br/>23 A. Yes. She would pay you, but she</p> |

13 (Pages 49 to 52)

## FREEDOM COURT REPORTING

| Page 53   | Page 55   |
|---|---|
| <p>1 would not pay you -- it was -- it was --<br/> 2 you would get paid for the number of books<br/> 3 that you put out, but you would not get,<br/> 4 like -- it was just like a check that I<br/> 5 would write from me to you.<br/> 6 Q. Okay. Who was the person that you<br/> 7 spoke to about that?<br/> 8 A. Her name was Lori, but I don't<br/> 9 know her last name, but I do have that at<br/> 10 home as well.<br/> 11 Q. Why don't you get that to your<br/> 12 lawyer so he can provide it to me?<br/> 13 A. Yes, sir.<br/> 14 Q. When did you talk with Lori? Just<br/> 15 use the Wiley Sanders job as a point of<br/> 16 reference. Before or after?<br/> 17 A. After this.<br/> 18 Q. Did you fill out a written<br/> 19 application?<br/> 20 A. No, sir.<br/> 21 Q. Was this just somebody that you<br/> 22 heard about and talked to?<br/> 23 A. Yes, sir.</p>   | <p>1 A. For a couple of weeks.<br/> 2 Q. How much did you get?<br/> 3 A. A few hundred dollars.<br/> 4 MR. WILSON: Keith, let me -- you<br/> 5 had asked for her tax records. I think we<br/> 6 provided those and I think that's in there.<br/> 7 MR. HAMILTON: The current ones?<br/> 8 MR. WILSON: Yes, and I think it<br/> 9 has got the Directory Distributing. Is<br/> 10 that who it was?<br/> 11 THE WITNESS: Yes.<br/> 12 MR. HAMILTON: Okay.<br/> 13 MR. WILSON: Directory<br/> 14 Distributing. I have got them right here<br/> 15 if you want to look at them.<br/> 16 MR. HAMILTON: Let's go off the<br/> 17 record for a second.<br/> 18<br/> 19 (Off-the-record discussion.)<br/> 20<br/> 21 Q. Okay. The Lori you were talking<br/> 22 about was with Directory Distributing; is<br/> 23 that right?</p>  |
| Page 54   | Page 56   |
| <p>1 Q. Did you talk on the phone or did<br/> 2 you talk in person?<br/> 3 A. Both.<br/> 4 Q. And what happened? What was the<br/> 5 result of those talks? Did you actually do<br/> 6 the phone book job?<br/> 7 A. Yes, sir.<br/> 8 Q. Oh, okay. Is that listed in your<br/> 9 interrogatory answers? It doesn't look<br/> 10 like it. Did you receive pay for that job?<br/> 11 A. Yes. She would -- she would --<br/> 12 she would pay you a little of something to<br/> 13 put the -- what the pay mainly was for<br/> 14 because you had to use your own vehicle.<br/> 15 So she was more or less paying you to --<br/> 16 she was more or less paying you for the gas<br/> 17 that you used, but a little bit above the<br/> 18 gas, if that makes any sense. As high as<br/> 19 gas prices was, it was equalling out that<br/> 20 you were pretty much taking care of your<br/> 21 gas and it is not something that I would<br/> 22 ever do again.<br/> 23 Q. How long did you do that?</p> | <p>1 A. That is correct, that is the name.<br/> 2 Q. Have you applied for any other<br/> 3 jobs other than the ones we have talked<br/> 4 about since --<br/> 5 A. No, sir.<br/> 6 Q. -- since the beginning of '05?<br/> 7 A. No, sir.<br/> 8 Q. Have you gone into a -- or phoned<br/> 9 a business to inquire about jobs?<br/> 10 A. Yes, sir, I have done that. I<br/> 11 have phoned the Alabama Employment Office.<br/> 12 I have went on line with the Alabama<br/> 13 Unemployment Office. I have -- I have made<br/> 14 a phone call to Coca-Cola Bottling Company<br/> 15 and there was one more and I cannot<br/> 16 remember the name. But I had opened the<br/> 17 phone book one day and I was, like, I'm<br/> 18 going to get -- this is what is going to<br/> 19 happen today and I called to check on some<br/> 20 jobs and I do not know that one's name.<br/> 21 Q. Are you looking for a route sales<br/> 22 type job?<br/> 23 A. Yes, sir, I am. That's what I</p> |

14 (Pages 53 to 56)



## FREEDOM COURT REPORTING

|  |   |
|--|---|
| <p style="text-align: right;">Page 57</p> <p>1 enjoy.</p> <p>2 Q. And one that you can use your</p> <p>3 class A commercial driver's license in?</p> <p>4 A. Yes, sir.</p> <p>5 Q. And make some sales calls and</p> <p>6 deliveries?</p> <p>7 A. Yes, sir, something local.</p> <p>8 Q. Right. I understand from my</p> <p>9 client that you have now submitted an</p> <p>10 actual application?</p> <p>11 A. Yes, sir.</p> <p>12 Q. And you have an interview</p> <p>13 scheduled?</p> <p>14 A. He and I are supposed to meet up</p> <p>15 -- supposed to talk, excuse me, on Tuesday.</p> <p>16 Q. This coming Tuesday?</p> <p>17 A. Yes, sir.</p> <p>18 Q. And by he you mean Jay Trumbull?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Has he discussed with you what</p> <p>21 positions are available?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Tell me about that.</p>  | <p style="text-align: right;">Page 59</p> <p>1 go -- in Dothan, at least, they go by</p> <p>2 Culligan of the Wiregrass.</p> <p>3 A. Okay.</p> <p>4 Q. And if it is all the same to you,</p> <p>5 I guess we can refer to them as Culligan or</p> <p>6 Trumbull or whatever you want. But if I</p> <p>7 say Culligan or if I say Trumbull, I'm</p> <p>8 going to -- unless I say otherwise, that's</p> <p>9 what I'm talking about. I'm talking about</p> <p>10 my client.</p> <p>11 A. Yes, sir.</p> <p>12 Q. Do you know anybody who works at</p> <p>13 the Dothan branch?</p> <p>14 A. No, sir, I don't.</p> <p>15 Q. Have you ever known anybody who</p> <p>16 works at that Culligan's Dothan branch?</p> <p>17 A. No, sir.</p> <p>18 Q. Do you know anybody -- I know you</p> <p>19 have spoken to Jay Trumbull on the phone?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Do you know anybody who works at</p> <p>22 the Panama City facility?</p> <p>23 A. No, sir, I don't.</p> |
| <p style="text-align: right;">Page 58</p> <p>1 A. He told me that he had a route</p> <p>2 sales position open in Panama City and he</p> <p>3 also told me that he had an office position</p> <p>4 open in Dothan. I told him that the</p> <p>5 onliest type -- rephrase that. I told him</p> <p>6 that I had never done any office work, so I</p> <p>7 could not say if that was something that I</p> <p>8 could do and that Panama City would be too</p> <p>9 far for me to have to travel to run a route</p> <p>10 sales truck. He then said that maybe he</p> <p>11 could get a van and let me make some -- let</p> <p>12 me add some new accounts and until I</p> <p>13 established a route that I could run on my</p> <p>14 own.</p> <p>15 Q. Did you talk about money?</p> <p>16 A. No, sir, we did not.</p> <p>17 Q. Do you have copies of any job</p> <p>18 applications that you have submitted, like</p> <p>19 the one with Buffalo Rock? Do you have a</p> <p>20 copy of that?</p> <p>21 A. No, sir, I don't.</p> <p>22 Q. My client's actual name is</p> <p>23 Trumbull Bottled Water, Inc., and they also</p> | <p style="text-align: right;">Page 60</p> <p>1 Q. Have you ever known anyone?</p> <p>2 A. No, sir.</p> <p>3 Q. Have you ever known anyone who</p> <p>4 applied for a job at either of those</p> <p>5 facilities?</p> <p>6 A. No, sir.</p> <p>7 Q. Have you ever known of anyone who</p> <p>8 applied for a job at either of those</p> <p>9 facilities?</p> <p>10 A. Myself.</p> <p>11 Q. Right. Other than yourself?</p> <p>12 A. No, sir.</p> <p>13 Q. When was the first time that you</p> <p>14 heard anything about Culligan and the</p> <p>15 Wiregrass?</p> <p>16 A. You know, when you live in the</p> <p>17 Wiregrass you do know about Culligan.</p> <p>18 Q. You do?</p> <p>19 A. Because, I mean, it is advertised</p> <p>20 on our radios and everything. So I have</p> <p>21 known of Culligan water, you know, I guess</p> <p>22 ever since I have been there.</p> <p>23 Q. Did you know where the facility</p>   |

15 (Pages 57 to 60)

## FREEDOM COURT REPORTING

| Page 61   | Page 63  |
|---|--|
| <p>1 was located?</p> <p>2 A. No, sir. I had the address in the</p> <p>3 Dothan Eagle.</p> <p>4 Q. This is where you saw the</p> <p>5 newspaper ad in January of last year?</p> <p>6 A. Yes, sir.</p> <p>7 Q. You had never noticed it driving</p> <p>8 by?</p> <p>9 A. Well, I had, sir, but it -- you</p> <p>10 know that day, you know, you start to think</p> <p>11 where have I seen that ad? Where have I</p> <p>12 seen that ad? So that's how that was.</p> <p>13 Q. So you saw a newspaper</p> <p>14 advertisement for Culligan of the</p> <p>15 Wiregrass?</p> <p>16 A. Yes, sir.</p> <p>17 Q. That was in January of '05?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Did the ad say what the job was</p> <p>20 about?</p> <p>21 A. Route sales.</p> <p>22 Q. Did it say what was required in</p> <p>23 that job?</p>  | <p>1 him up first and then I went to Culligan.</p> <p>2 Q. Did you take your son with you?</p> <p>3 A. Yes, sir, I did.</p> <p>4 Q. And Michelle Potter was also with</p> <p>5 you?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Why was she with you?</p> <p>8 A. I don't know what had come up that</p> <p>9 day, but she was in Dothan and she had</p> <p>10 called me and actually wanted to go out to</p> <p>11 breakfast. We often did at Shoney's. And</p> <p>12 I told her I couldn't because I had to go</p> <p>13 and apply for a job and she just rode with</p> <p>14 me. And in the midst of doing that,</p> <p>15 stopping and getting gas, we had to stop</p> <p>16 and get gas, and then my son called, mom,</p> <p>17 I'm sick, come get me. And so we went and</p> <p>18 picked him up and then I went on to do what</p> <p>19 I was doing.</p> <p>20 Q. So you pulled up. Is there, like,</p> <p>21 a parking lot out front, parking area?</p> <p>22 A. Yes, sir. When you pull up --</p> <p>23 when you -- when you pull up, you can go to</p> |
| Page 62   | Page 64  |
| <p>1 A. Not that I can remember, sir.</p> <p>2 Q. All right. So you see the ad in</p> <p>3 the paper and what did you do next?</p> <p>4 A. The next day I went and applied</p> <p>5 for the job.</p> <p>6 Q. You went down to the actual</p> <p>7 facility?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Did you call anybody before then?</p> <p>10 A. No, sir.</p> <p>11 Q. So you just drove down there. How</p> <p>12 close is your home to -- to the Culligan of</p> <p>13 the Wiregrass?</p> <p>14 A. Probably about four miles.</p> <p>15 Q. So that just took you about three</p> <p>16 and a half hours to get there?</p> <p>17 A. No, sir.</p> <p>18 Q. Did you go down there in the</p> <p>19 morning or midday or afternoon, do you</p> <p>20 recall?</p> <p>21 A. It was mid morning and the reason</p> <p>22 for that was my son had called me and he</p> <p>23 was sick at school and so I had to go pick</p> | <p>1 the right and there is, like, just a few</p> <p>2 little spaces right here or you can go</p> <p>3 straight on up, which would be where, you</p> <p>4 know, the majority of the trucks come in</p> <p>5 and pull up and stuff. There is a few</p> <p>6 parking spots on that side as well. But as</p> <p>7 I pulled up, I pulled in to the right where</p> <p>8 just a few spaces are.</p> <p>9 Q. So that's the front of the</p> <p>10 building?</p> <p>11 A. Yes, sir, right by the front door.</p> <p>12 Q. Did you go in the front door?</p> <p>13 A. Yes, sir, I did.</p> <p>14 Q. Describe what you saw?</p> <p>15 A. When I walked in, I didn't see</p> <p>16 anyone to start with. But when I walked in</p> <p>17 to your immediate left is a big long, like,</p> <p>18 counter.</p> <p>19 Q. Okay.</p> <p>20 A. And so then I approached that</p> <p>21 counter.</p> <p>22 Q. How big is the room that you are</p> <p>23 standing in?</p>   |

16 (Pages 61 to 64)



## FREEDOM COURT REPORTING

|  |   |
|--|---|
| <p style="text-align: right;">Page 65</p> <p>1 A. I'm no good with measurements at<br/>2 all, but I can tell you that when you walk<br/>3 in the door you immediately have got this<br/>4 long counter to your -- to my left. Okay.<br/>5 On your right, you have got, like, a little<br/>6 -- a little office, like a little foyer<br/>7 type thing. And then behind that desk you<br/>8 have got another area of, like, a desk and<br/>9 typewriters and phones and stuff of that<br/>10 nature. And then where the two gentlemen<br/>11 were sitting was in the office located<br/>12 right behind the area I just described.<br/>13 Q. To the left or to the right?<br/>14 A. To the left.<br/>15 Q. Okay. So there is counter to the<br/>16 left?<br/>17 A. Counter, work space (indicating).<br/>18 Q. Work space behind it?<br/>19 A. Secretary space. Behind that is a<br/>20 window and a door.<br/>21 Q. Okay. And that's where you saw --<br/>22 A. The two gentlemen.<br/>23 Q. Were they the only ones that you</p> | <p style="text-align: right;">Page 67</p> <p>1 applications there.<br/>2 Q. Somebody comes out -- a man comes<br/>3 out from behind the door?<br/>4 A. Yes, sir.<br/>5 Q. Comes out to greet you?<br/>6 A. Yes, sir.<br/>7 Q. What did this man look like?<br/>8 A. He was -- he was short -- kind of<br/>9 short natured. Kind of chunky. As far as<br/>10 facial expressions, I can't remember<br/>11 exactly. I mean, I would recognize him if<br/>12 I seen him, but to describe it to you<br/>13 exactly what he looked like, I believe he<br/>14 had a mustache. But I can't, you know --<br/>15 Q. Did he have a name tag on?<br/>16 A. I don't remember.<br/>17 Q. Uniform?<br/>18 A. I don't remember what he was<br/>19 wearing, sir.<br/>20 Q. Do you remember his hair color?<br/>21 A. Dark in nature.<br/>22 Q. Okay. Full head of hair or<br/>23 handsome like me?</p>   |
| <p style="text-align: right;">Page 66</p> <p>1 saw?<br/>2 A. Yes, sir.<br/>3 Q. Okay. The counter, is this like a<br/>4 service counter?<br/>5 A. Yes, sir.<br/>6 Q. So I take it you went up there.<br/>7 What did you do, ring a bell, knock on the<br/>8 counter, what did you do?<br/>9 A. No, sir, they seen me. Once I<br/>10 approached the counter, they seen me and<br/>11 one of the gentlemen came out to help me<br/>12 and so I told him what I was there for.<br/>13 Q. Okay. Did you see anything on the<br/>14 counter?<br/>15 A. There was numerous things on the<br/>16 counter.<br/>17 Q. Papers?<br/>18 A. There was papers. There was,<br/>19 like, a folder type thing. But that's all<br/>20 that I recall.<br/>21 Q. Did you see a stack of job<br/>22 applications on the counter?<br/>23 A. Yes, I do believe there was some</p>   | <p style="text-align: right;">Page 68</p> <p>1 A. Handsome like you. I don't think<br/>2 he had a whole lot of hair.<br/>3 Q. Thank you. Did he identify<br/>4 himself, do you recall? Did he say who he<br/>5 was?<br/>6 A. I don't recall.<br/>7 Q. Black or white?<br/>8 A. White.<br/>9 Q. Since this EEOC charge was<br/>10 initiated and the lawsuit was filed, you<br/>11 have heard the name Pete Rollins?<br/>12 A. Yes.<br/>13 Q. Do you recall whether that was the<br/>14 person you spoke to? Does that name ring a<br/>15 bell or do you just know that from seeing<br/>16 it in this case?<br/>17 A. No, that name rung a bell.<br/>18 Q. Can you be certain that you spoke<br/>19 to somebody named Pete or does that seem to<br/>20 make -- that just rings a bell?<br/>21 A. No, sir, it doesn't just ring a<br/>22 bell. As I walked in that day and I<br/>23 approached the counter and he come walking</p> |

17 (Pages 65 to 68)

## FREEDOM COURT REPORTING

| Page 69   | Page 71  |
|---|--|
| <p>1 up towards me, there was a gentleman that</p> <p>2 was sitting in the back of that little</p> <p>3 office that leaned back in his chair like</p> <p>4 this and that's when -- I never knew his</p> <p>5 name. I couldn't remember his name. And</p> <p>6 that's when -- when I told them what I was</p> <p>7 there for, Pete will help you. But that's</p> <p>8 all I knew.</p> <p>9 Q. Oh.</p> <p>10 A. That's all I knew.</p> <p>11 Q. Okay. I got you. So the first</p> <p>12 guy that came out said Pete will help you.</p> <p>13 A. No, sir. No, sir. No, sir. The</p> <p>14 guy leaned back in the chair. The</p> <p>15 gentleman that stayed in the office, leaned</p> <p>16 back in the chair with the door open like</p> <p>17 this.</p> <p>18 Q. Like with his back to you?</p> <p>19 A. No, he was like to the side, just</p> <p>20 like this right here (indicating). Leaned</p> <p>21 back, turned his head this way, and Pete</p> <p>22 was walking towards me.</p> <p>23 Q. Okay. And so the guy was just</p> | <p>1 when he acknowledges me coming in and then</p> <p>2 Pete comes walking up to the counter.</p> <p>3 Q. Is that when you said I'm here to</p> <p>4 apply for a job or had you said that before</p> <p>5 Pete came out?</p> <p>6 A. No, sir. When Pete was</p> <p>7 approaching this -- the counter top.</p> <p>8 Q. Okay. And when we say Pete, we're</p> <p>9 referring to the shortish man with the dark</p> <p>10 hair, with some dark hair?</p> <p>11 A. Yes.</p> <p>12 Q. Where was your son? Where was</p> <p>13 Michelle Potter?</p> <p>14 A. In the car.</p> <p>15 Q. Did they ever come inside?</p> <p>16 A. No, sir.</p> <p>17 Q. Okay. The man we'll call Pete</p> <p>18 comes to the counter and the two of you</p> <p>19 have a discussion; right?</p> <p>20 A. Uh-huh. Yes, sir, I'm sorry.</p> <p>21 Q. How long were you in there talking</p> <p>22 to Pete?</p> <p>23 A. Several minutes. I can't be</p> |
| Page 70   | Page 72  |
| <p>1 talking to you. Pete was walking towards</p> <p>2 you. You said exactly what? Do you</p> <p>3 remember what you said? You said you told</p> <p>4 him why you were there, but do you remember</p> <p>5 what you said?</p> <p>6 A. Yeah, that I was there to apply</p> <p>7 for the job.</p> <p>8 Q. Do you remember the exact words</p> <p>9 that you used?</p> <p>10 A. That I was there to apply for the</p> <p>11 job. You know, and then he started talking</p> <p>12 and I wanted to know about the job.</p> <p>13 Q. Don't get ahead of us.</p> <p>14 A. Okay.</p> <p>15 Q. Did you say this to Pete or did</p> <p>16 you say it to the guy in the chair?</p> <p>17 A. Pete. The one that came out to</p> <p>18 greet me.</p> <p>19 Q. When did the guy in the chair say</p> <p>20 Pete will help you?</p> <p>21 A. As we were walking out the door,</p> <p>22 they were back there giggling and cutting</p> <p>23 up. He leans back in his chair and that's</p>  | <p>1 precise on the minutes, but he and I were</p> <p>2 in a conversation.</p> <p>3 Q. Like maybe five minutes?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Okay.</p> <p>6 A. Approximately, yes, sir.</p> <p>7 Q. Probably not ten?</p> <p>8 A. I'm not sure of quite how many</p> <p>9 minutes. I know I was in there for several</p> <p>10 minutes.</p> <p>11 Q. As best you can --</p> <p>12 A. Okay.</p> <p>13 Q. -- tell me everything that was</p> <p>14 said --</p> <p>15 A. Okay.</p> <p>16 Q. -- starting at the beginning.</p> <p>17 A. Okay. When he come out and I told</p> <p>18 him what I was there for, then he and I got</p> <p>19 into a conversation. And he was explaining</p> <p>20 to me what the job was in detail of, what</p> <p>21 you had to do. One of the things being you</p> <p>22 have to lift and he turned or he did his</p> <p>23 hand out like this, and said you have to</p>                     |

18 (Pages 69 to 72)



## FREEDOM COURT REPORTING

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| <p style="text-align: right;">Page 73</p> <p>1 lift the bottles of water. Yes, sir, I can<br/> 2 do that. Oh, and also you see those bags<br/> 3 sitting right there by the door? Yes, sir.<br/> 4 You have to lift those bags as well. Yes,<br/> 5 sir. Okay.<br/> 6 Q. We're going to spend a little bit<br/> 7 of time on this conversation obviously. So<br/> 8 I'm going to be interrupting you and I<br/> 9 apologize for doing that because I have<br/> 10 asked you to tell me everything that was<br/> 11 said. You are going to get your chance,<br/> 12 but I do want to stop while we're thinking<br/> 13 about it. Tell me about the bags.<br/> 14 A. The only thing that I know about<br/> 15 the bags is that they are brown in color<br/> 16 and that -- I don't know if he said that it<br/> 17 was sugar, salt, some sort of powder or<br/> 18 something, but he had told me what was in<br/> 19 the bags.<br/> 20 Q. Okay.<br/> 21 A. I just don't remember what that<br/> 22 contents was. But he pointed to the -- to<br/> 23 a bag. And he pointed to the jugs of</p> | <p style="text-align: right;">Page 75</p> <p>1 Q. Here's the bottles, here is some<br/> 2 bags, can you lift fifty pounds?<br/> 3 A. Yes, sir.<br/> 4 Q. That sort of thing?<br/> 5 A. Well, that was going to be -- that<br/> 6 was going to be the weight. He already<br/> 7 assumed that I wasn't going to be able to<br/> 8 lift the fifty pounds. I was trying to<br/> 9 tell him that I had experience.<br/> 10 Q. Tell me what you mean by he<br/> 11 already assumed that you weren't going to<br/> 12 be able to?<br/> 13 A. Because, you know, just like --<br/> 14 you know, you can feel people. And just<br/> 15 like -- I mean, when I was speaking with<br/> 16 him, it was, like, you know, I really<br/> 17 wanted this job. I love route sales, but<br/> 18 by the way that he was approaching me and<br/> 19 talking to me, you know, I knew that I<br/> 20 wasn't going to get the job and then when<br/> 21 he come right out and said we can't hire a<br/> 22 woman for this position. I know I<br/> 23 shouldn't be saying that and laughing about</p> |
| <p style="text-align: right;">Page 74</p> <p>1 water.<br/> 2 Q. What did you say -- you said I can<br/> 3 lift those bottles?<br/> 4 A. Yes, I said I can do that. I have<br/> 5 had experience in that.<br/> 6 Q. What about the bags?<br/> 7 A. Yes, sir, I can lift those.<br/> 8 Q. Did he tell you how much they<br/> 9 weighed?<br/> 10 A. He did tell me how much they<br/> 11 weighed. I don't remember the exact amount<br/> 12 that he told me at that -- today I don't<br/> 13 remember the exact amount. But he said --<br/> 14 but the whole general conversation<br/> 15 consisted of fifty pounds. And he asked me<br/> 16 was I going to be able to lift that.<br/> 17 Q. I think you just answered the<br/> 18 question I was going to ask. You said the<br/> 19 whole general conversation about<br/> 20 fifty pounds. He was basically just<br/> 21 telling you about how much you were going<br/> 22 to have to lift?<br/> 23 A. Yes, sir.</p>  | <p style="text-align: right;">Page 76</p> <p>1 that. My feelings was hurt.<br/> 2 Q. Sorry to interrupt. Let's back up<br/> 3 a little bit.<br/> 4 A. Okay.<br/> 5 Q. Just to be clear, when you say he<br/> 6 already assumed I can not lift fifty<br/> 7 pounds --<br/> 8 A. Yes, sir.<br/> 9 Q. -- was that based on your own<br/> 10 assumption?<br/> 11 A. He never did look at me and tell<br/> 12 me you can't lift fifty pounds. He did<br/> 13 look at me and tell me we cannot hire a<br/> 14 woman for this position. We just can't do<br/> 15 it.<br/> 16 Q. He didn't say I know you can't<br/> 17 lift fifty pounds or he didn't say anything<br/> 18 like that?<br/> 19 A. He never once said, ma'am, I know<br/> 20 you cannot lift fifty pounds.<br/> 21 Q. Did he say I don't think you can<br/> 22 lift fifty pounds?<br/> 23 A. He suggested it. He never did</p>   |

19 (Pages 73 to 76)



## FREEDOM COURT REPORTING

|   |  |
|---|--|
| <p style="text-align: right;">Page 77</p> <p>1 look at me and say you cannot lift<br/>2 fifty pounds.<br/>3 Q. Exactly what did he say when he<br/>4 suggested it?<br/>5 A. He was, ma'am, we can't hire a<br/>6 woman for this position. You know, it is<br/>7 just we -- we -- we just can't put a woman<br/>8 lifting that kind of stuff up and down off<br/>9 of these trucks all day. I said --<br/>10 Q. Go ahead.<br/>11 A. I said, I do have experience in<br/>12 this. I have pulled product from Swan's<br/>13 trucks climbing up on the ladders of the<br/>14 side of the truck, reaching up, pulling<br/>15 products off of the truck. I can do this.<br/>16 Ma'am, we just -- we just -- and he<br/>17 actually thought it was funny. He laughed<br/>18 about it.<br/>19 Q. I want to just make sure that we<br/>20 have down as best you can the exact words<br/>21 that he used and I know you have been<br/>22 through this and I want to make sure --<br/>23 already you have told me a lot of this.</p> | <p style="text-align: right;">Page 79</p> <p>1 are you? Well, I'm here to apply for your<br/>2 job. I had seen it in the newspaper and I<br/>3 would like to apply for the job. Do you<br/>4 have any experience? Yes, sir, I do.<br/>5 Q. Okay. Let's go slow then. Does<br/>6 he literally say, do you have any<br/>7 experience?<br/>8 A. Yes.<br/>9 Q. So you are not just approximating<br/>10 what probably happened in the conversation<br/>11 because that's the way these conversations<br/>12 go --<br/>13 A. Okay.<br/>14 Q. -- are you? I mean, are you just<br/>15 saying it was this kind of a conversation<br/>16 and went like this or are you giving me<br/>17 exact words?<br/>18 A. I was displaying for you exactly<br/>19 what I said and what he said to me as I<br/>20 come into the door and approached the<br/>21 counter and he approached the counter with<br/>22 me.<br/>23 Q. All right.</p>    |
| <p style="text-align: right;">Page 78</p> <p>1 But I want to make sure that we're getting<br/>2 the exact words as opposed to your<br/>3 approximation of the words.<br/>4 A. Okay.<br/>5 Q. Okay. And I want you to start at<br/>6 the point where he is telling you about the<br/>7 job.<br/>8 A. Okay.<br/>9 Q. Which I assume this happened<br/>10 before he said -- ma'am, we can't hire a<br/>11 woman?<br/>12 MR. WILSON: I'm going to object<br/>13 as asked and answered. Go ahead again.<br/>14 Q. I want you to take it in order.<br/>15 So start with the first discussion, the<br/>16 first point of the discussion that you and<br/>17 the man we're calling Pete had about this<br/>18 position that you are coming in for?<br/>19 A. Okay. The onlyiest way I know how<br/>20 to answer what you are asking me is just to<br/>21 kind of sit here and say exactly -- okay, I<br/>22 walk in. He comes out. Hey, hi, my name<br/>23 is Lisa Minton, how are you? Fine. How</p>                             | <p style="text-align: right;">Page 80</p> <p>1 A. So I introduced myself.<br/>2 Q. Okay.<br/>3 A. And I tell him what I'm there for.<br/>4 Q. And he asked do you have any<br/>5 experience?<br/>6 A. Yes, sir. And I was in the midst<br/>7 of telling him what experience I have.<br/>8 Q. Which was?<br/>9 A. Which was Schwan's and which was<br/>10 Made-Right.<br/>11 Q. Okay.<br/>12 A. Which he -- at that point, he<br/>13 never did let me finish that whole<br/>14 conversation. He never did let me even<br/>15 finish explaining to him what my<br/>16 qualifications was. Okay?<br/>17 Q. What did he do?<br/>18 A. That's when he interrupted me and<br/>19 started telling me about what they do, what<br/>20 their route sales people do. Okay? And<br/>21 that was when the bottle of water, you<br/>22 know, this is what -- this is the bottle of<br/>23 water here and there was one sitting in the</p> |

20 (Pages 77 to 80)



## FREEDOM COURT REPORTING

| Page 81  | Page 83   |
|--|---|
| <p>1 little lobby area that I explained to you.<br/> 2 And there was a bag in the lobby area. I<br/> 3 don't know the contents of the bag. He did<br/> 4 tell me, but I don't remember what the<br/> 5 contents was. I said, well, that would be<br/> 6 fine. I can do this.<br/> 7 Q. Okay.<br/> 8 A. Well, the conversation kind of<br/> 9 went from at that point --<br/> 10 Q. Hold on now. Again, this is for<br/> 11 clarity.<br/> 12 A. Okay.<br/> 13 Q. Don't characterize it right now.<br/> 14 Where the conversation went that sort of<br/> 15 thing.<br/> 16 A. Okay.<br/> 17 Q. I want you to tell me the actual<br/> 18 words. You know what I'm saying? Don't<br/> 19 describe the general subjects of what is<br/> 20 happening and what you are thinking and all<br/> 21 of that sort of stuff. We are going to get<br/> 22 to that. But I want you to tell me the<br/> 23 actual words that are being used by Pete</p> | <p>1 down, lifting these bottles of water and<br/> 2 these bags all day.<br/> 3 Q. Now, those words you just --<br/> 4 A. Yes, sir.<br/> 5 Q. -- recited, those were the exact<br/> 6 words that he used?<br/> 7 A. Yes, sir. (Witness nods head.)<br/> 8 Q. And you are a hundred percent<br/> 9 positive about that?<br/> 10 A. Yes, sir. Yes, sir.<br/> 11 Q. And he said that while you were<br/> 12 trying to say I can handle it?<br/> 13 A. Yes, sir.<br/> 14 Q. And you said that he was laughing?<br/> 15 A. He laughed, yes, sir. He did.<br/> 16 His comment was, I know I shouldn't be<br/> 17 saying this and laughed. I know I<br/> 18 shouldn't be saying this. At that point<br/> 19 the conversation kind of dwindled away.<br/> 20 Thank you, sir, have a good day. I walked<br/> 21 out the door. I was so upset. There was<br/> 22 something on the door. I don't know what<br/> 23 it was. But as I opened the door and</p>  |
| Page 82  | Page 84   |
| <p>1 and by yourself during this conversation.<br/> 2 So he told you about the bottles and he<br/> 3 told you about the bags and he talked about<br/> 4 having to lift fifty pounds?<br/> 5 A. Yes, sir.<br/> 6 Q. And you are saying I can handle<br/> 7 it.<br/> 8 A. I can do this.<br/> 9 Q. Okay.<br/> 10 A. Yes, sir.<br/> 11 Q. Continue.<br/> 12 A. Okay. That's when he -- okay? So<br/> 13 I'm telling him that I can do this. You<br/> 14 know, I have experience in this and I can<br/> 15 do this.<br/> 16 Q. What is the next thing that you<br/> 17 remember him saying?<br/> 18 A. And he is saying to me -- because<br/> 19 I was pushing myself really.<br/> 20 Q. Okay.<br/> 21 A. And what he said to me was, ma'am,<br/> 22 we can't hire a woman for this position.<br/> 23 We just can't have a woman climbing up and</p>   | <p>1 walked out, it cut my finger. And I went<br/> 2 and got in the car and I just sat there.<br/> 3 Michelle says what's wrong with you? I<br/> 4 said you would not believe what just took<br/> 5 place and I commenced into telling her.<br/> 6 Q. Did he tell you that you were not<br/> 7 permitted to fill out an application?<br/> 8 A. He would not -- he wouldn't let me<br/> 9 fill out on application.<br/> 10 Q. What do you mean?<br/> 11 A. He wouldn't give me the<br/> 12 opportunity to fill out an application.<br/> 13 Q. What do you mean?<br/> 14 A. Because he was telling me -- I<br/> 15 mean, he was telling me I can't -- we can't<br/> 16 hire a woman for this position. And I was<br/> 17 steady trying to prove to him that I could<br/> 18 do this. Just give me a chance. Just,<br/> 19 please, give me a chance, I can do this.<br/> 20 He wouldn't give me the opportunity -- he<br/> 21 wouldn't let me have the opportunity to<br/> 22 fill out an application.<br/> 23 Q. There are applications right there</p> |

21 (Pages 81 to 84)



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| Page 85  | Page 87   |
|--|---|
| <p>1 next to you?</p> <p>2 A. Yes, sir. Now, I'm assuming</p> <p>3 that's what that was. I seen -- yes, you</p> <p>4 know, that looked like applications on that</p> <p>5 counter right there. Did I ever pick one</p> <p>6 up and look at it? No, sir, I did not.</p> <p>7 Q. Did he tell you, ma'am, I will not</p> <p>8 permit you to fill out an application?</p> <p>9 A. No, sir. He did not look at me</p> <p>10 and say I'm not going to allow you to fill</p> <p>11 out on application, ma'am. He said to me,</p> <p>12 I cannot hire you. I cannot hire a woman</p> <p>13 for this position. I just can't do it and</p> <p>14 he laughed.</p> <p>15 Q. Did you say, well, how about if I</p> <p>16 fill out an application anyway?</p> <p>17 A. At one point in time I did say</p> <p>18 something to him about an application. He</p> <p>19 shunned -- he -- I had said something to</p> <p>20 him about filling out an application and</p> <p>21 that's when he shunned me off. When he --</p> <p>22 when he -- you know, like led -- like, I'm</p> <p>23 speak to you. And I'm asking you a direct</p> | <p>1 MR. WILSON: Object to form.</p> <p>2 A. Yes he did.</p> <p>3 Q. Did he say -- what did he say that</p> <p>4 led you to believe that?</p> <p>5 A. When I had went in there and the</p> <p>6 gentleman had leaned back, he was the one</p> <p>7 that -- he was the one that let me know</p> <p>8 that Pete was the person in charge and that</p> <p>9 Pete would help -- that he would be helping</p> <p>10 me, Pete would be helping me. And as that</p> <p>11 point happened, Pete walked straight up to</p> <p>12 the counter.</p> <p>13 Q. Okay. So you assumed that if Pete</p> <p>14 was the one that was supposed to help you,</p> <p>15 it would be his decision as to who would be</p> <p>16 hired?</p> <p>17 A. Well, from the way he come across</p> <p>18 he was the decision. He is the one that</p> <p>19 told me, ma'am, I just cannot hire a woman</p> <p>20 for this position. That is -- that's what</p> <p>21 he told me. I cannot hire a woman for this</p> <p>22 position. I just can't do it. And laughed</p> <p>23 and said, I know I shouldn't be saying</p> |
| Page 86  | Page 88   |
| <p>1 question. But you don't want to have to</p> <p>2 answer that direct question, so you lead</p> <p>3 into something else. That's what he did to</p> <p>4 me.</p> <p>5 Q. Better give me the words.</p> <p>6 A. I can't -- I can't -- he did not</p> <p>7 look at me and say, ma'am, you cannot fill</p> <p>8 out an application.</p> <p>9 Q. Did you say can I fill out an</p> <p>10 application?</p> <p>11 A. I had asked him could I fill out</p> <p>12 an application.</p> <p>13 Q. He did not say, no, you cannot?</p> <p>14 A. He never did look at me and say,</p> <p>15 ma'am, you cannot. He told me when I asked</p> <p>16 that question, he told me and laughed,</p> <p>17 ma'am, we cannot hire a woman for this</p> <p>18 position.</p> <p>19 Q. And then you left?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Did Pete give you the impression</p> <p>22 it was up to him as to who would be hiring</p> <p>23 for that position?</p>  | <p>1 this.</p> <p>2 Q. What did the other man look like</p> <p>3 sitting in the chair?</p> <p>4 A. He was skinnier and taller, but</p> <p>5 other than that I don't know.</p> <p>6 Q. Was he in uniform?</p> <p>7 A. I believe he was. Well, you know,</p> <p>8 I believe that there was a name tag, a</p> <p>9 patch on his shirt, but I didn't look that</p> <p>10 close -- that close.</p> <p>11 Q. Okay.</p> <p>12 A. But he was a more taller, lanky,</p> <p>13 skinnier dude.</p> <p>14 Q. Did you say to Pete after he</p> <p>15 described the position to you that -- that</p> <p>16 didn't sound like a job for you?</p> <p>17 A. No, sir, I didn't.</p> <p>18 Q. Is it possible, Ms. Minton, that</p> <p>19 he said I have never hired a woman for this</p> <p>20 position?</p> <p>21 A. No, sir.</p> <p>22 MR. WILSON: Object to the form.</p> <p>23 THE WITNESS: No, sir, that's not</p>  |

22 (Pages 85 to 88)



## FREEDOM COURT REPORTING

| Page 89   | Page 91  |
|---|--|
| <p>1 what he said, sir. No, it is not.</p> <p>2 Q. Is it possible that he said no</p> <p>3 woman has ever applied for this position</p> <p>4 before?</p> <p>5 A. No, sir. No, sir.</p> <p>6 MR. WILSON: Object to the form.</p> <p>7 THE WITNESS: No, sir, he didn't</p> <p>8 say that at all.</p> <p>9 Q. So you are a hundred percent</p> <p>10 certain that he said I cannot hire a woman</p> <p>11 for this position?</p> <p>12 MR. WILSON: Object to form, asked</p> <p>13 and answered.</p> <p>14 A. That's exactly what he said. I</p> <p>15 cannot hire a woman for this position. I</p> <p>16 just can't do it and laughed and then said</p> <p>17 I know I shouldn't be saying this.</p> <p>18 Q. Have you ever talked to anybody</p> <p>19 else at Culligan about that or about the</p> <p>20 job?</p> <p>21 A. To Mr. Jay.</p> <p>22 Q. I meant before you filed the EEOC</p> <p>23 charge. I know you talked to Jay Trumbull</p> | <p>1 A. Yes, sir.</p> <p>2 Q. Paragraph five says, I'm going to</p> <p>3 read it and tell me if I mess up: Upon</p> <p>4 information and belief Culligan has a</p> <p>5 discriminatory policy of not hiring females</p> <p>6 for available jobs. Moreover, the</p> <p>7 respondent engages in a pattern and</p> <p>8 practice of discriminating against female</p> <p>9 job applicants on a class wide basis in</p> <p>10 hiring. And you have declared under</p> <p>11 penalty of perjury that the foregoing is</p> <p>12 true and correct?</p> <p>13 A. Yes, sir.</p> <p>14 MR. WILSON: Object to that last</p> <p>15 question. I'm sorry.</p> <p>16 Q. What information do you have that</p> <p>17 says Culligan has a discriminatory policy</p> <p>18 of not hiring females for available jobs?</p> <p>19 MR. WILSON: Object to the form.</p> <p>20 A. When I went in there that day</p> <p>21 there wasn't one female. When I rode</p> <p>22 around town, you never seen one female. On</p> <p>23 all of their vehicles, everything you see</p> |
| Page 90   | Page 92  |
| <p>1 recently.</p> <p>2 A. No, sir.</p> <p>3 Q. You didn't call anybody to lodge a</p> <p>4 complaint with the company itself?</p> <p>5 A. No, sir.</p> <p>6 Q. So what was the next thing you</p> <p>7 did?</p> <p>8 A. That afternoon Michelle and myself</p> <p>9 and Mason, we rode around and did a few</p> <p>10 errands. Picked up something for supper</p> <p>11 that night, and Michelle spent a few hours</p> <p>12 at the house and her and I were talking and</p> <p>13 I believe the next day, I called -- I</p> <p>14 called an attorney.</p> <p>15 Q. Would you look at Defendant's</p> <p>16 Exhibit 3, whichever one it is, the EEOC</p> <p>17 charge?</p> <p>18 A. This one, okay.</p> <p>19 Q. The information in paragraphs one</p> <p>20 through six, that is information that you</p> <p>21 provided; is that right?</p> <p>22 MR. WILSON: Object. Asked and</p> <p>23 answered.</p>                                    | <p>1 is the Culligan man, the Cullman man. I</p> <p>2 rode around town and every time I would see</p> <p>3 a truck, I would look to see if there was a</p> <p>4 female. You never saw not one female.</p> <p>5 Q. Because you never saw a female</p> <p>6 driving a Culligan truck --</p> <p>7 A. I never saw a female, period.</p> <p>8 Q. Are you telling me there are no</p> <p>9 females that work for Culligan?</p> <p>10 MR. WILSON: Object to the form.</p> <p>11 A. Not to my knowledge.</p> <p>12 Q. The second statement: Moreover,</p> <p>13 the respondent engages in a pattern and</p> <p>14 practice of discriminating against job</p> <p>15 applicants on a class wide basis in hiring.</p> <p>16 What females have applied for jobs with my</p> <p>17 client?</p> <p>18 MR. WILSON: Object to the form.</p> <p>19 A. Could you ask that one more time,</p> <p>20 please?</p> <p>21 Q. What females other than yourself</p> <p>22 in filling out your application recently --</p> <p>23 A. Yes, sir.</p>                              |

23 (Pages 89 to 92)



## FREEDOM COURT REPORTING

| Page 93   | Page 95  |
|---|--|
| <p>1 Q. -- have applied for a job with my<br/>2 client?</p> <p>3 MR. WILSON: Object to the form.</p> <p>4 A. I don't know of my females. I<br/>5 just know that there is no females.</p> <p>6 Q. Well, there are. I will tell you<br/>7 that. I will represent to you there are<br/>8 females working for Culligan. That is not<br/>9 the issue here. I'm asking you what<br/>10 females do you know of that applied for any<br/>11 position at all with my client and you said<br/>12 you don't know of any; correct?</p> <p>13 A. Correct.</p> <p>14 Q. So why would you tell the EEOC<br/>15 that you have information that Culligan<br/>16 engages in a pattern and practice of<br/>17 discriminating against female job<br/>18 applicants on a class wide basis in hiring?</p> <p>19 MR. WILSON: Object to the form.</p> <p>20 A. I have not seen any females. I<br/>21 have not seen not one female that works for<br/>22 Culligan.</p> <p>23 Q. You have no idea who has applied</p> | <p>1 applicants?</p> <p>2 MR. WILSON: Object to the form.</p> <p>3 A. Rephrase that one more time.</p> <p>4 Q. Well, you say in paragraph five<br/>5 upon information and belief the respondent<br/>6 engages in a pattern and practice of<br/>7 discriminating against female job<br/>8 applicants.</p> <p>9 A. But that is my belief, sir. I do<br/>10 believe.</p> <p>11 Q. What information? I'm asking you<br/>12 what information?</p> <p>13 MR. WILSON: Objection. She has<br/>14 testified to the information she has. That<br/>15 has been answered. She has testified about<br/>16 --</p> <p>17 Q. Because you never saw anybody in<br/>18 the truck. That convinced you that<br/>19 Culligan -- that was the information that<br/>20 Culligan discriminated against female job<br/>21 applicants?</p> <p>22 A. Sir, I have never seen any<br/>23 females, period. So therefore, when he</p> |
| Page 94   | Page 96  |
| <p>1 for jobs the gender, the people, no idea;<br/>2 correct?</p> <p>3 MR. WILSON: Object to the form.</p> <p>4 A. Correct.</p> <p>5 Q. So when you say you have<br/>6 information that they have a pattern and<br/>7 practice of discriminating against female<br/>8 job applicants, that's not true, is it?</p> <p>9 MR. WILSON: Object. She says<br/>10 upon information and belief.</p> <p>11 Q. Uh-huh. Upon information --</p> <p>12 A. My belief.</p> <p>13 Q. Information and belief; right?</p> <p>14 A. Yes, sir, but to my belief, there<br/>15 is no females to my knowledge with Culligan<br/>16 Water.</p> <p>17 Q. Did you talk to anybody at the<br/>18 EEOC about this charge? Did you personally<br/>19 speak to them?</p> <p>20 A. No, I did not.</p> <p>21 Q. So you never explained that you<br/>22 don't actually have any information about<br/>23 discrimination against female job</p>   | <p>1 looked at me and told me I cannot hire<br/>2 you -- I cannot hire a woman for this<br/>3 position, and then when you look around and<br/>4 you look and you look and you look and you<br/>5 never see any women, and you have been told<br/>6 this, that is my belief.</p> <p>7 Q. Okay. Why don't we take just a<br/>8 very short break and we can go off the<br/>9 record for just a second.</p> <p>10</p> <p>11 (Off-the-record discussion?)</p> <p>12</p> <p>13 Q. I have no further questions.<br/>14 Thank you for your time.</p> <p>15 A. Thank you.</p> <p>16 MR. WILSON: I don't have<br/>17 anything.</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>   |

24 (Pages 93 to 96)



## FREEDOM COURT REPORTING

Page 97

1 CERTIFICATE

2

3 STATE OF ALABAMA

4 JEFFERSON COUNTY

5

6 I hereby certify that the above  
7 and foregoing deposition was taken down by  
8 me in stenotype, and the questions and  
9 answers thereto were reduced to typewriting  
10 under my supervision, and that the  
11 foregoing represents a true and correct  
12 transcript of the deposition given by said  
13 witness upon said hearing.

14 I further certify that I am  
15 neither of counsel nor of kin to the  
16 parties to the action, nor am I in anywise  
17 interested in the result of said cause.

18

19

20

21 Donna Armstrong

22

23

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**367 VALLEY AVENUE**  
**(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660**